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PATENT
P-5221

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Klaus W. Berndt

SERIAL NO.: 09/752,984

GROUP: 2827

FILING DATE: January 2, 2001

EXAMINER: M. Tremblay

FOR: Apparatus for Measuring the Volume of Individual
Red Blood Cells

The Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST
CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF
PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231

ON: June 12, 2003
(DATE OF DEPOSIT)

BY: Nicole M. Vitole
(NAME OF DEPOSITOR)

Nicole Vitole 6/12/2003
(SIGNATURE) (DATE)

AMENDMENT

In response to the Office Action dated March 12, 2003, Applicants respectfully
request entry of the present Amendment.

REMARKS

Claims 1-9 are in the present application.

The Examiner has provisionally rejected Claims 1-9 under the judicially-created
doctrine of obviousness-type double patenting as allegedly rendered unpatentable by
Claims 1-9 of copending U.S. Serial No. 09/753,197. Applicant encloses herewith a
Terminal Disclaimer with respect to U.S. Serial No. 09/753,197. Accordingly, withdrawal
of this rejection is respectfully requested.